

## **REMARKS**

Applicant's representative would like to thank Examiner Pedder for the courtesies extended during a telephonic interview on January 12, 2006. During the interview, the Examiner clarified the rejection based on 35 U.S.C. § 102 as it pertains to independent Claims 33 and 41. Specifically, the Examiner noted that the prior art of record (i.e., Ajisaka et al. (U.S. Pat. No. 6,164,712) and Shinozaki (U.S. Publication No. US2003/0025373)) refer to "ratchets" and therefore anticipate Claims 33 and 41.

Applicant's representative asserted that the prior art of record, while labeling certain components as "ratchets," do not teach a first member in *ratcheting engagement* with a second member to lock one of the first member and the second member in one of a plurality of locked positions. Applicant's representative proposed amending independent Claims 33 and 41 to call for a locking member in ratcheting engagement with an engaging member such that the locking member is movable relative to the engaging member and into one of a plurality of locked positions between the locking member and the engaging member. The Examiner was receptive to the proposed amendments.

Applicant has cancelled independent Claims 33 and 41 in favor of new independent Claims 50 and 52. Applicant respectfully submits that new Claims 50 and 52 simply define what Applicant intended by describing the relationship between a locking member and an engaging member as a "ratcheting" engagement and therefore do not narrow the scope of the originally filed independent Claims 33 and 41. Applicant respectfully submits that independent Claims 50 and 52 are in condition for allowance.

Claims 3, 5, 6, 17, 19, 20, 22, 30-32, 35-40, and 42-53 are now pending in the application. By this paper, Claims 17, 19, 22, 43, 44, and 46-48 have been amended, Claims 33 and 41 have been cancelled without prejudice or disclaimer of the subject matter contained therein, and Claims 50-53 have been added. The basis for these amendments and new claims can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

#### **REJECTION UNDER 35 U.S.C. § 112**

Claims 17 and 43 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Claims 17 and 43 have been amended to provide antecedent basis for the “first and second asymmetrical teeth.” Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 102**

Claims 19, 20, 22, 33, 41, and 44-46, stand rejected under 35 U.S.C. § 102(b or e) as being anticipated by Ajisaka et al. (U.S. Pat. No. 6,164,712) and Shinozaki (U.S. Publication No. US2003/0025373). This rejection is respectfully traversed.

Applicant respectfully submits that this rejection is moot with respect to Claims 33 and 41, as Claims 33 and 41 have been cancelled without prejudice. Because Claims 19, 20, 22, and 44-46 respectively depend from Claims 33 and 41, Applicants respectfully submit that the rejection of Claims 19, 20, 22, and 44-46 is similarly moot. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner states that Claims 17, 42, 43, and 47-49 would be allowable if rewritten in independent form. Applicant has not amended independent Claims 33 and 41 to include the allowable subject matter outlined by the Examiner in light of the foregoing remarks.

#### **NEW CLAIMS**

New Claims 50-53 are added for consideration, of which, Claims 50 and 52 are independent claims. Each of independent Claims 50 and 52 call for an engaging member having an engaging portion and a locking member having a locking portion. A biasing member is disposed between the locking member and the engaging member to bias the locking portion into ratcheting engagement with the engaging portion to move the locking portion along the engaging portion and into one of a plurality of locked positions between the locking member and the engaging member.

The Examiner, in rejecting now-cancelled independent Claims 33 and 41, relied primarily on Ajisaka et al. (U.S. Pat. No. 6,164,712) and Shinozaki (U.S. Publication No.

US2003/0025373). Applicant respectfully submits that Ajisaka and Shinozaki fail to teach the elements of independent Claims 50 and 52.

Ajisaka teaches a lock mechanism (10) including a rear leg portion (16) having a ratchet (30) rotatably supported by a first pin (32) and a cam (24) rotatably supported by a second pin (26). See Ajisaka at Column 5, Lines 33-50 and FIG. 1. A spring (38) is disposed generally between the ratchet and the cam to bias the ratchet into engagement with the cam 24. See Ajisaka at Column 5, Lines 58-61. Engagement between the ratchet and the cam occurs generally at an engaging portion (24C) of the cam and a recessed portion (30A) of the ratchet, as an upper portion of the ratchet is swung about the first pin by the coil spring. See Ajisaka at Column 5, Lines 61-67 and FIG. 1. Contact between the engaging portion of the cam and the recessed portion of the ratchet generally limits the ratchet to single locked position relative to the cam as the engaging projection of the cam generally nestles within the recessed portion of the ratchet. In this manner, Applicant respectfully submits that Ajisaka fails to teach a locking member in ratcheting engagement with an engaging member such that the locking member may be moved into one of a plurality of locked positions relative to the engaging member.

Shinozaki teaches a striker lock (7) having a ratchet (73) in selective engagement with a latch (72). See Shinozaki at Page 5, Paragraph [0091] and FIG. 5. A coil spring (74) is disposed generally between the ratchet and the latch. See Shinozaki at Page 5, Paragraph 91 and FIG. 5. The coil spring exerts a force on the latch to rotate the latch about a supporting shaft (72B) and exerts a force on the ratchet to rotate the ratchet about a supporting shaft (73A) such that the latch is moved into

engagement with the ratchet. See Shinozaki at Page 5, Paragraph 91 and FIG. 5. Contact between the ratchet and the latch is accomplished by a receiving projection (73B) of the ratchet receiving a retainer projection (72C) of the latch to lock the position of the latch relative to the ratchet. See Shinozaki at Page 5, Paragraph 91 and FIG. 5. Engagement between the latch and the ratchet is limited to a single locked position (i.e., due to engagement between the single receiving projection of that ratchet and the single retainer projection of the latch). See Shinozaki at FIG. 5. In this manner, Applicant respectfully submits that Shinozaki fails to teach a locking member in ratcheting engagement with an engaging member such that the locking member may be moved into one of a plurality of locked positions relative to the engaging member.

Applicant respectfully submits that independent Claims 50 and 52, as well as Claims 19, 20, 22, 44-46, 51, and 53 respectfully dependent therefrom, are in condition for allowance.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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